

**REMARKS**

Claims 1-7 are pending in this application. All of the pending claims were rejected. None of the claims is currently amended. Reconsideration is respectfully requested.

Claim 1 distinguishes the combination of Karaoguz, Lee and Kimura because the selection of a subset of the bid messages is based at least in-part on a parameter related to distance. The Office relies on Kimura for teaching selection of a subset of bid messages.<sup>1</sup> However, the Office has not given full weight to the recited limitation. In particular, the Office has not considered that the selection of the subset of bid messages is based at least in-part on a parameter related to distance. Kimura describes a technique for providing network security and authentication. In the passage cited by the Office, specifically at para 0052, Kimura teaches that a network administrator can manually reject an association request for security reasons. Unlike Kimura, the limitation recited in claim 1 is that a subset of bid messages is selected based on a parameter related to distance. Claim 1 therefore distinguishes the cited combination by reciting “selecting only a subset of the bid messages based at least in part on the parameter related to distance.” Claims 2-4 are dependent upon claim 1. Withdrawal of the rejections of claims 1-4 is therefore requested.

Claim 5 distinguishes the cited combination for similar reasons as claim 1, i.e., because a subset of the bid messages is selected based at least in part on the parameters in the table which includes a parameter related to distance. Again, the Office has not given full weight to the recited limitation. Claim 5 therefore distinguishes the cited combination by reciting “a parameter related to the distance ...maintaining a table including an entry for each station from which a bid message has been received, each entry including the parameter ... selecting only a subset of the bid

bid messages based at least in part on the parameters in the table.” Claim 6 is allowable for the same reasons as 5.

With regard to claim 5, the Office suggests that it is implicit that “the closest device is selected for association in order for the system to operate efficiently.”<sup>2</sup> The Office goes so far as to take official notice that selecting the nearest bid is well known in the art. Applicant respectfully traverses. It is not implicit in the reference that selecting a bid based on distance in general, and the closest bid in particular, will result in efficiency optimization. In certain circumstances it may be desirable to select a distant bidding station that has little or no service from other APs. Further, simply making a selection based on the closest distance can result in inefficient overloading of an AP.<sup>3</sup> For these reasons, Applicant traverses and requests that the rejections based on the official notice be withdrawn.

Claim 7 distinguishes the cited references because the bid from the station having the lowest data rate is selected. The Office suggests that Cui teaches this feature in paragraph 009. However, Cui fails to teach any sort of selection in paragraph 009. In particular, Cui simply gives examples of different data rates that some clients have relative to other clients. Cui does not state that a particular client should be selected based on data rate, and particularly does not suggest that the client with the lowest data rate be selected. The limitation recited in the claim is not that clients have different data rates, but rather “selecting the bid from the station having the lowest data rate.”

A double patenting rejection was made based on Application No. 10/781,525. A terminal disclaimer is submitted with this response to overcome the double patenting rejection.

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<sup>1</sup> Final OA, July 24, 2006, Page 4, first full paragraph.

<sup>2</sup> Final OA, July 24, 2006, Page 6, first paragraph.

For the reasons discussed above, and in view of the claim amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. The Examiner is encouraged to contact Applicants' Attorney at the number listed below to discuss any matters which might expedite prosecution of this application.

Respectfully Submitted,

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Date

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<sup>3</sup> See Specification at pp. 41-43.